Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Sunday, 1st May 1977 / 11th Vaisakha 1899 [No. 266

GOVERNMENT OF KERALA

Labour (F) Department

NOTIFICATIONS

G. O. (Rt) No. 523/77/LBR. *Dated, Trivandrum, 1st May* 1977.

I

S. R. O. No. 373/77.—In exercise of the powers conferred by sub-section (1) of section 4 of the Kerala Labour Welfare Fund Act, 1975 (11 of 1977), the Government of Kerala hereby establish a Board by the Name, "Kerala Labour Welfare Fund Board", with effect from the 1st day of May 1977.

By order of the Governor,

J. S. Badhan,

Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate the general purport).

Government have decided to bring into force the provisions of the Kerala Labour Welfare Fund Act, 1975 throughout the State with effect from the 1st day of May, 1977. It is necessary to constitute the Board to bring the Act into full operation. The notification is intended to achieve this object.

II

S. R. O. No. 374/77.—In exercise of the powers conferred by sub-section (1) of section 5 of the Kerala Labour Welfare Fund Act, 1975 (11 of 1977) read with rule 12 of the Kerala Labour Welfare Fund Rules, 1977,

the Government of Kerala hereby appoint the following persons to be the members of the Kerala Labour Welfare Fund Board, namely:—

1.	(a)	Shri Ayathil Bhaskaran Nair, I. N. T. U. C. Office, Quilon	.. Representative of Employees.
	(b)	,, R. S. Unni, M.L.A., Quilon	.. do.
	(c)	,, K. A. Rajan, M. P., Ernakulam	.. do.
	(d)	,, E. Balanandan, C.I.T.U. Office Ernakulam	.. do.
	(e)	,, C. Krishnan, Near Kallikodan-kavu, Cannanore	.. do.
2.	(a)	Shri James Makkil, Secretary, Association of Planters, Kerala, Kalloor, Cochin	.. Representative of Employers.
	(b)	Shri P. V. Chandran, Managing Partner, Kerala Transport Company Calicut	.. do.
	(c)	Shri S. N. Nayar, General Manager Alind, Kundara	.. do.
	(d)	Shri Peer Mohammed, Managing Director, Kerala State Industrial Enterprises Ltd., Trivandrum	.. do.
	(e)	Shri D. Babu Paul, Managing Director, Travancore Titanium Products Ltd., Trivandrum	.. do.
3.	(a)	Shri Sam Oommen, Advocate, Punalur	.. Non-Officials.
	(b)	Shri U. A. Abdul Latheef, Advocate, Manjeri	.. do.
	(c)	Shri K. S. Sebastian, Parathode, Kanjirappally	.. do.
	(d)	Shri P. N. Krishna Pillai, Ambalamukku, Trivandrum	.. do.
	(e)	Shri P. V. Sankaranarayanan, Advocate, Calicut	.. do.
	(f)	Shri K. Kuttappan, Mampilly Tharayil Thalayazhom, Vaikom	.. do.
4.	(a)	Shri J. S. Badhan, Secretary to Government, Labour Department	.. Officials

(b) Shri V. Krishnamurthy, Labour Commissioner	..	Officials
(c) Smt. Sarala Gopalan, Additional Secretary to Government, Industries Department	..	do.
(d) Shri K. Viswanathan Nair, Additional Secretary, Law Department	..	do.
(e) Shri A. K. Singh, Deputy Secretary to Government, Finance Department	..	do.

In pursuance of sub-section (2) of section 5 of the said Act Government hereby appoint Shri P. V. Sankaranarayanan, Advocate, Calicut to be Chairman of the Board.

By order of the Governor,

J. S. BADHAN,
Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate the general purport.)

As the Kerala Labour Welfare Fund Act, 1975 provides for the constitution of a Board and the Board has been notified to have come into force with effect from 1-5-1977 the nomination of members of the Board is necessary. The notification is intended to achieve this object.

III

S. R. O. No. 375/77.—In exercise of the powers conferred by sub-section (1) of section 3 of the Kerala Labour Welfare Fund Act, 1975 (11 of 1977), the Government of Kerala hereby constitute a Fund called the Labour Welfare Fund.

By order of the Governor,

J. S. BADHAN,
Secretary to Government.

Explanatory Note

(This does not form part of the Notification but is intended to indicate the general purport.)

Government have decided to bring into force the provision of the Kerala Welfare Fund Act, 1975 throughout the State with effect from the 1st day of May, 1977. The fund is to be constituted to receive the monies as prescribed in the Act. The notification is intended to achieve this object.

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GOVERNMENT OF KERALA

Labour (F) Department

NOTIFICATION

G. O. Rt. No. 529/77/LBR. *Dated, Trivandrum, 1st May, 1977.*

S. R. O. No. 376/77.—In exercise of the powers conferred by sub-section (1) of Section 22 of the Kerala Labour Welfare Fund Act, 1975 (Act 11 of 1977) read with rule 16 of the Kerala Labour Welfare Fund Rules, 1977 the Government of Kerala hereby appoint Shri Thomas Oommen, Joint Labour Commissioner to be the Labour Welfare Fund Commissioner.

By order of the Governor,

J. S. BADHAN,

Secretary.

Explanatory Note

(This does not form part of the Notification, but is intended to explain its General purport).

Government have decided to appoint Shri Thomas Oommen, Joint Labour Commissioner as Labour Welfare Fund Commissioner in the newly constituted Labour Welfare Fund Board.

This Notification is intended to achieve the above object.

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GOVERNMENT OF KERALA

Labour (F) Department

NOTIFICATION

G. O. Rt No. 530/77/LBR. *Dated, Trivandrum, 1st May 1977.*

S. R. O. No. 377/77.—In exercise of the powers conferred by sub-section (1) of Section 23 of the Kerala Labour Welfare Fund Act, 1975 (Act 11 of 1977) read with rule 17 of the Kerala Labour Welfare Fund Rules, 1977 the Government of Kerala hereby appoint Shri P. K. Krishnankutty Nair, Under Secretary, Finance Department to be the Finance Officer of the Kerala Labour Welfare Fund Board.

By order of the Governor,

J. S. BADHAN,

Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

Government have decided to appoint Shri P. K. Krishnankutty Nair, Under Secretary to Government, Finance Department as Finance Officer of the newly constituted Kerala Labour Welfare Fund Board. The notification is intended to achieve the above object.

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GOVERNMENT OF KERALA]

Labour (F) Department

NOTIFICATION

G. O. MS. No. 26/77/LBR. *Dated, Trivandrum, 1st May* 1977.

S. R. O. No. 372/77.—In exercise of the powers conferred by section 40 of the Kerala Labour Welfare Fund Act, 1975 (11 of 1977), the Government of Kerala hereby make the following rules, namely:—

KERALA LABOUR WELFARE FUND RULES, 1977

1. *Short title and extent.*—These rules may be called the Kerala Labour Welfare Fund Rules, 1977;

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) "Act" means the Kerala Labour Welfare Fund Act, 1975 (11 of 1977)

(b) "Form" means a form appended to these rules;

(c) "Section" means a section of the Act.

3. *Payment of fines and unpaid accumulations by employers.*—(1) Within fifteen days from the date on which the Act comes into force, every employer shall pay by cheque, money order or cash to the Commissioner.—

(a) all fines including the amounts realised under Standing Order 20 of the Model Standing Orders issued under the Kerala Industrial Employment

(Standing Orders) Rules, 1947, from the employees before the said date and remaining unutilised on that date;

(b) all deductions made under the proviso to sub-section (2) of Section 9 of the Payment of wages Act, 1936 (Central Act 4 of 1936), from the Wages of employees before the said date and remaining unutilised on that date; and

(c) all unpaid accumulations held by the employer on the aforesaid date.

(2) The employer shall, along with such payment, submit a statement to the Commissioner giving full particulars of the amount so paid.

(3) All fines realised and deductions made from the wages of the employees and all unpaid accumulations held on or after the date on which the Act comes into force, shall be remitted half yearly to the Commissioner along with the half-yearly contributions payable by the employer and employees under section 15.

4. *Particulars of unpaid accumulations to be published under section* 13.—The notice referred to in sub-section (3) of section 13 shall contain the following particulars, namely:—

(i) name and address of the establishment in which the unpaid accumulation was earned;

(ii) wage period during which the unpaid accumulation was earned;

(iii) names of employees with amount of unpaid accumulation in respect of each employee; and the total amount of the unpaid accumulation; and

(iv) a declaration that a list containing the names of employees and the amount due to them and paid to the Board has been put on the notice board of the factory or establishment in which the unpaid accumulation was earned.

5. *Notice for payment of fine and unpaid accumulations.*—The Commissioner may, after making such enquiries as he may deem fit and after calling for a report from the Inspector, if necessary, serve a notice as required by section 14 on any employer to pay the amount of fines realised or unpaid accumulations held by him which the employer has not paid in accordance with rule 3.

6. *Remission of penalty.*—(1) Application for remission of penalty payable under sub-section (2) of section 14 shall be made to the Government within thirty days from the date of payment of penalty and shall clearly specify the grounds on which remission is claimed.

(2) When the Government is satisfied that such penalty is likely to cause undue hardship to the employer concerned or that the employer has suffered financially on account of riots war, or through natural calamities

or that delay caused in the payment of unpaid accumulations or fines was due to circumstances beyond his control, the Government may remit such penalty in part or whole;

7. *Maintenance and audit of accounts.*—(1) The accounts of the Fund shall be prepared and maintained by the Finance Officer of the Board in such manner and forms as may be prescribed by the Board and shall be got audited as provided in sub-rule (3).

(2) The Commissioner shall be responsible for the disposal of audit note.

(3) The Accounts of the Fund shall be audited in accordance with the instructions issued by the Government.

(4) The charges on account of audit shall be paid out of the Administration Account.

8. *Budget of the Board.*—(1) The Budget estimates for each financial year shall be prepared and laid before the Board on or before the 1st December of the previous financial year and after it is approved by the Board, shall be forwarded to the Government for approval on or before the 15th December.

(2) The Government shall approve the Budget before 15th of January after making such amendments and alterations, if any, as they consider necessary.

(3) The Budget as approved by the Government with or without amendments or alterations shall constitute the Budget of the Board for the ensuing financial year and shall be issued under the seal of the Board and signed by the Officer or Officers of the Board duly authorised by it in this behalf.

(4) Two authenticated copies of the Budget shall be forwarded to the Government before the 28th February.

9. *Additional expenditure.*—(1) If during the course of a financial year it becomes necessary to incur expenditure over and above the provisions made in the budget, the Board shall immediately submit to the Government the details of the proposed expenditure and specify the manner in which it is proposed to meet the additional expenditure and thereupon the Government may either approve the proposed expenditure after making such modifications as they consider necessary or reject it.

(2) A copy of the order passed by the Government on every such proposal to incur additional expenditure shall be communicated to the Board.

10. *Mode of payment.*—All payments from the Fund amounting to:—

(a) less than Rs. 50 may be made in cash or money order;

(b) Rs. 50 or more shall be made in cheque issued by the Commissioner:

Provided that the Board may, in any particular case, for special reasons, authorise such payment also in cash.

11. *Payment of contribution.*—(1) Every employer shall recover from every employee whose name is borne on the register of his establishment on the 30th June, or 31st December of each year, the employee's contribution from his wages for the month of June or December, as the case may be, of that year:

Provided that no such deduction shall be made in excess of the amount of the contribution payable by such employee, nor shall it be made from any wages other than the wages for the months of June and December:

Provided further that if by in-advertance or otherwise no deduction has been made from the wages of an employee for the months aforesaid, such deduction may be made from the wages of such employee for any subsequent month or months with the permission in writing of the Inspector.

(2) Notwithstanding any contract to the contrary, no employer shall deduct the employer's contribution from any wages payable to the employee or otherwise recover it from the employees.

(3) An employer shall pay the employer's and employee's contributions to the Board by cheque, money order or in cash, and he shall bear the expenses of remitting to the Board such contributions.

(4) The employer shall along with such payment submit a statement in Form "A" to the Commissioner giving full particulars of the amount so paid.

12. *Constitution of Board.*—The Board shall consist of the following 21 members appointed by the Government:

(a) Five representatives of employers;

(b) Five representatives of employees;

(c) Five Government officials; and

(d) Six non-officials:

Provided that the Government may appoint one or more additional persons to be members of the Board, so, however, that the total number of members does not exceed 25.

13. *Allowance of members.*—The members of the Board other than Government officers shall be entitled to travelling allowance and daily allowance at the rates applicable to 1st Grade Officers of the Government; provided however that travelling allowance for journeys performed shall be limited to journeys performed from the place of residence within the State.

14. *Meeting of the Board.*—(1) The Board shall meet at least once in every quarter and as often as may be necessary.

(2) The Commissioner shall, in consultation with the Chairman, fix the date, time and place of meeting and also draw up the agenda for every meeting.

(3) Notice of not less than seven clear days shall be given for every such meeting and no matter, other than that included in the agenda, shall be considered except with the permission of the Chairman:

Provided that, seven days clear notice sball not be necessary when, in the opinion of the Ghairman, business of an urgent nature has to be transacted.

15. *Power of the Board to borrow money.*—Subject to the prior approval of the Covernment, the Board may, from time to time, borrow any sum of money and secure repayment of such sum in such manner and upon sucb terms and conditions as they think fit.

16. *Conditions of appointment and service and scale of pay of the Commissioner.*—The Commissioner shall be an officer of the Labour Department not below the rank of Joint Labour Commissioner appointed on deputation on usual terms and conditions applicable to Government servants on deputation.

(2) The scale of pay of the Commissioner shall be Rs. 1150-50-1450-50/2-1650.

17. *Appointment, duties and powers and conditions of appointment and service of Finance Officer.*—(1) The Finance Officer shall be an officer of the Government in the Finance Department not below the rank of Under Secretary or an Officer in the Accountant General's office not below the rank of Accounts Officer appointed on deputation basis on the usual terms and conditions applicable to Government servants on deputation.

(2) The scale of pay of the Finance Officer shall be Rs. 950-50-1350-50/2-1450.

(3) The duties of the Finance Officer shall be the following:—

(a) preparation of budget estimates;

(b) distribution of allotments among the subordinate Controlling Officers;

(c) reconciliation of Board's account with the figures booked in the Accountant General's office;

(d) control over Board revenue and expenditure which includes:

(i) watching the progress of Board's revenue and expenditure and issuing instructions to the subordinate officers to keep the expenditure within allotments when any likelihood of excess is anticipated;

(ii) reporting to the Board deviations from rules relating to expenditure noticed on the part of the Subordinate Officers.

(iii) initiating and dealing with proposals relating to reappropriations, reallotments, supplementary grants and surrender of Savings;

(iv) scrutinising expenditure statement relating to various programmes of the Board;

(e) scrutiny of all cases involving:—

(i) abandonment of Revenue;

(ii) refund of Revenue;

(iii) enhancement of Revenue; and

(iv) write off of Board's dues and liabilities;

(f) scrutiny of all proposals involving financial commitment submitted by the Board to Government;

(g) review of progress in the disposal of audit objection and dealing with audit inspection reports;

(h) internal audit of the accounts of the head office;

(i) inspection of the accounts of subordinate officers under the orders of the Commissioner and submission of notes of such inspection for his perusal and orders;

(j) Verification of claims for pension or gratuity;

(k) issue of instructions to Board's officers regarding (i) maintenance of accounts and observance of accounts rules, and (ii) correct accounting of stores and observance of Store Rules;

(l) to arrange for the proper maintenance of accounts relating to loans sanctioned and/or disbursed by the Board and to watch the prompt recovery of such loans;

(m) to test audit of accounts of institutions which receive grants/in-aid or loans from the Board and to furnish utilisation certificates wherever required;

(n) to advise the Board on all matters relating to 'Finance' accounts and application of Code Rules; and

(o) any other duties and functions assigned by the Board.

(4) Subject to overall control and supervision of the Commissioner the Finance Officer shall be competent—

(a) to carry on correspondence with the subordinate officers on all accounts and financial matters and the disposal of objections and audit inspection reports;

(b) to sign fair copies of communications to Government relating to Finance and Accounts, the drafts of which have been approved by the Commissioner;

(c) to send communications to the Accountant General furnishing information relating to Finance and Accounts;

(d) to sanction casual leave to the staff working under him; and

(e) to call for explanations from the staff working under him for dereliction of duty and recommend suitable disciplinary action to the Commissioner.

18. *Qualifications and powers of Inspectors.*—(1) No person shall be appointed as Inspector unless he —(a) is a graduate and (b) possesses a post-graduate degree or diploma in Social Welfare or equivalent qualification.

(2) In addition to the powers conferred by sub-section (2) of section 24, an Inspector shall, for the purpose of giving effect to the provisions of the Act, have power—

(i) subject to the provisions of sub-section (1) of section 29 to prosecute, conduct or defend before court any complaint or other proceeding arising under the Act;

(ii) to require any employer to supply or send any return or true copy of any document or information relating to the provisions of the Act;

(iii) to satisfy himself at each inspection that—

(a) the provisions of the Act and the rules regarding the payment of contribution and unpaid accumulation and fines are complied with;

(b) the prescribed registers are properly maintained;

(c) the returns required under the rules are sent to the Commissioner;

(iv) to note how far the defects pointed out at previous inspections have been removed and how far orders previously issued have been complied with; and

(v) to point out all such defects or irregularities as he may have observed and to give orders for their rectification.

19. *Percentage of annual income of Fund towards staff.*—The Board shall ensure that the expenses of the staff including the staff employed for carrying out the programme of the Board and other administrative expenses shall not exceed ten per cent of the annual income of the Fund.

20. *Publication of annual report of Board.*—(1) The Board shall, within three months of the date of closing of each financial year, submit to the

Government an audited statement of receipt and expenditure together with an annual report giving its activities in the year and the activities, if any, which are likely to be undertaken by the Board in the next year.

(2) The statement and report shall be laid as soon as they are received by the Government before the Legislative Assembly.

(3) After the statement and report are laid before the Legislative Assembly, the Board shall cause the same to be published in such manner as it may deem fit.

21. *Maintenance of registers by employers.*—(1) Every employer of an establishment shall maintain the following registers, namely—

(a) a register of wages in Form 'B';

(b) a consolidated register of unpaid accumulation and fines and other deduction in Form 'C';

(c) a visit book in which the Inspector visiting the establishment may record his remarks regarding any defect that may come to light at the time of inspection, which shall be produced whenever required to do so by the Inspector:

Provided that no separate register of wages in Form 'B' and no separate visit book need be maintained when the employer maintains such register of wages and such visit book in compliance with the payment of Wages Act, 1936 (Central Act 4 of 1936) or the Minimum Wages Act, 1948 (Central Act 11 of 1948) or the Kerala Shops and Commercial Establishment Act, 1960 (34 of 1960).

(2) The registers shall be preserved for a period of ten years from the date of last entry made therein.

By order of the Governor,

J. S. BADHAN,

Secretary to Government.

FORM 'A'

[*See* Rule 11 (4)]

***Statement** showing particulars of contribution paid to the Labour Welfare Fund*

Name and Address of the Establishment:

For the half year ending June/December................19..

Total No. of employees in the establishment	Total No. of employees from whom contribution realised	Total amount of employees' contribution	Total amount of employer's contribution	Total contribution paid (Col. 3 + Col. 4)
(1)	(2)	(3)	(4)	(5)

Name & Signature of Employer.

FORM 'B'

[*See* Rule 21 (1) (a)]

Register of wages

Name of Establishment:

For the month of..............19..

Sl. No.	Name of Employee	Token No.	Total Amount due to employee	Amount actually paid	Balance due to employee	Remarks (Specify item of payment still due with amounts)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM 'C'

[*See* Rule 21 (1) (b)]

Register of Fines

Name of Establishment:

Details of fines and unpaid accumulations:

Fines	Unpaid accumulations	1st quarter ending 31st March	2nd quarter	3rd quarter	4th quarter
(1)	(2)	(3)	(4)	(5)	(6)

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